



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

Tentative Notice of Action

Promoting the wise use of land
Helping build great communities

MEETING DATE September 2, 2005 EFFECTIVE DATE September 16, 2005	CONTACT/PHONE Stephanie Fuhs (805) 781-5721	APPLICANT Daniel Wrzenski	FILE NO. DRC2004-00246
SUBJECT Hearing to consider a request by Dan Wrzenski for a Minor Use Permit to increase the limitation on the maximum distance requirement of a secondary dwelling from a primary dwelling from 250 feet to approximately 485 feet to allow an 1,180 square foot secondary dwelling, with attached 400 square foot garage. The proposed project is within the Residential Rural land use category and is located at 150 Poppy Lane, approximately ½ mile west of the Dale Avenue/Los Berros Road intersection, approximately three miles north of the community of Nipomo, in the South County (Rural-Inland) planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2004-00246 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION A Class Three Categorical Exemption was issued on July 12, 2005 (ED05-014).			
LAND USE CATEGORY Residential Rural	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 091,011,071	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: 22.112.040(F)(9) – Summit Station Road Area Standards <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: 22.10.090 – Height Measurement, 22.10.140 – Setbacks, 22.30.470 – Residential- Secondary Dwellings <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, or on September 16, 2005, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
EXISTING USES: Single family residence, barn			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture/Vacant <i>South:</i> Residential Rural/Scattered Residences <i>East:</i> Residential Rural/Scattered Residences <i>West:</i> Residential Rural/Scattered Residences			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Nipomo Community Advisory Council, Public Works, Environmental Health, CDF, Nipomo Community Services District	
TOPOGRAPHY: Level to moderately sloping	VEGETATION: Grasses, forbs, shrubs, oaks
PROPOSED SERVICES: Water supply: Community Water Sewage Disposal: Individual septic system Fire Protection: CDF	ACCEPTANCE DATE: June 1, 2005

DISCUSSION

PLANNING AREA STANDARDS:

22.112.040(F)(9) – Summit Station Standards: Standards for land use permits include: submittal of an intent to serve letter from the community water service company, completion of an archeological surface survey, submittal of a botanical report, retention of drainage on site, fire safety measures, air quality dust control measures, and a water conservation plan. As proposed and conditioned the project will meet these standards. The applicant submitted an "intent to serve" letter from the Nipomo Community Services District (NCSD). An archeological surface survey was completed by Parker and Associates (May 13, 2005) which found no evidence of cultural resources. A botanical report was prepared by Mike McGovern (June 2, 2005) which found no rare or endangered plant species in the location for the proposed secondary dwelling. Sand Mesa Manzanita, a listed species by the California Native Plant Society, was observed on the project site, however it is located far enough away from the secondary residence that it will not be impacted or removed with the proposed construction. Drainage, fire safety measures, dust control measures and a water conservation plan have been added as conditions of approval for the project.

LAND USE ORDINANCE STANDARDS:

22.10.090 - Height Measurements: Maximum Height for a residence is 35 feet. As proposed and conditioned, the project meets this standard.

22.10.140 - Setbacks: Setbacks for the project site are 25 feet in the front and 30 feet on the sides and rear of the property. As proposed, the project meets this standard.

22.30.470 - Secondary Dwellings: This section of the Land Use Ordinance states that on sites of five acres or greater, the secondary unit shall be located within 250 feet of the primary residence. This section also allows the Review Authority to approve exceptions to allow residences to be located farther than 250 feet from the primary residence (see comments below).

STAFF COMMENTS:

Neighborhood Compatibility: The area is zoned Residential Rural and consists of primarily of 5 acre parcels. There are several lots in the immediate vicinity with single family residences and secondary units. There is a wide variety of newer, large homes and older, farm house styles within 1/4 mile of the property.

Distance Waiver Request: The project site is five acres. The project proposes a 485 foot separation between the primary and secondary dwelling. The policy regarding distance waiver requests relate to vegetation removal, site disturbance and drainage and sedimentation issues. The location of the proposed secondary dwelling consists of grassland and will not require the removal of any significant vegetation. In addition, the residence is located adjacent to the existing driveway on a fairly level portion of the site which will not involve additional site disturbance or cause significant drainage issues.

POLICY ISSUES:

Staff has historically viewed secondary dwellings as a means to provide lower-income housing for family members or as rental units. When considering size waiver requests, staff conducts a site visit to evaluate any obvious environmental concerns with regard to vegetation removal and drainage. The area proposed for the secondary dwelling is on a level portion of the site that does not contain significant vegetation. With regard to drainage, Public Works reviewed the project and did not indicate any significant concerns.

COMMUNITY ADVISORY GROUP COMMENTS: No comments received

AGENCY REVIEW:

Public Works – South County road fees and access road shall be chip seal or better
Environmental Health – Standard conditions for community water and on-site septic, soil shall be evaluated for installation requirements on new septic system prior to issuance of construction permits for the secondary dwelling.

CDF – See attached fire safety plan

Nipomo Community Services District – Issued “intent to serve” letter

LEGAL LOT STATUS:

The one lot was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Stephanie Fuhs
and reviewed by Kami Griffin, Supervising Planner

EXHIBIT A - FINDINGS

CEQA Exemption

- A. The project qualifies for a Categorical Exemption (Class Three) pursuant to CEQA Guidelines Section 15303 because the project involves the construction of a new small structure in an area where the archeological and botanical resources have been studied and no resources were found.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies/does not satisfy all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the secondary dwelling does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the secondary dwelling is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Poppy Lane, a local road constructed to a level able to handle any additional traffic associated with the project.

Secondary Dwelling Adjustments

- G. Modification of the distance a secondary dwelling can be located from a primary dwelling from 250 feet to allow a secondary dwelling to be located approximately 485 feet from the primary dwelling is justified because there are specific conditions of the site that make the standard ineffective. These conditions consist of several oak trees and other native scrub located adjacent to the existing primary residence. In addition, a barn is located in the nearest clearing to the primary residence. The secondary dwelling is proposed in a location where no significant vegetation removal or drainage issues will occur.

EXHIBIT B - CONDITIONS OF APPROVAL
Minor Use Permit DRC2004-00246 (Wrzenski)

Approved Development

1. This approval authorizes
 - a. modification of the limitation on the maximum distance requirement of a secondary dwelling from a primary dwelling from 250 feet to approximately 485 feet to allow an 1,180 square foot secondary dwelling, with attached 400 square foot garage..
 - b. maximum height is 35 feet from average natural grade.

Conditions required to be completed at the time of application for construction permits

Site Development

2. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.
3. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Fire Safety

4. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code and Planning Area standards. These standards include, but are not limited to: providing evidence that a minimum fire flow of 500 gpm at 20 psi is available, access roads and driveways will be paved as determined necessary by CDF, installation of a residential sprinkler system that meets Fire Code standards.

Services

5. **At the time of application for construction permits**, the applicant shall provide a letter from the Nipomo Community Services District stating they are willing and able to service the property.
6. **At the time of application for construction permits**, the applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site.

Conditions to be completed prior to issuance of a construction permit

Fees

7. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Owner Occupancy Requirement

8. **Prior to issuance of a construction permit**, the applicant for the second unit shall record a notice against the property notifying any subsequent purchaser that failure to meet this requirement will subject the second unit to abatement by the county pursuant to Chapter 22.74 of this title. No secondary dwelling shall be allowed on the site unless an owner of the site agrees to occupy one unit on the site as his or her primary residence.

Drainage

9. **Prior to issuance of construction permits**, the applicant shall submit a drainage plan for review and approval by the Public Works Department in accordance with Planning Area standards which requires drainage to be retained on the project site.
10. **Prior to issuance of construction permits**, the applicant shall submit a water conservation plan per Summit Station area standards. The plan shall include indoor and outdoor water conservation measures to reduce water consumption. The plan shall include, but is not limited to: drought tolerant landscaping, low-flow water fixtures and appliances (dishwashers, clothes washers). These items shall be shown on construction permit plans.

Conditions during construction of the project

Air Quality

11. **During construction/ground disturbing activities**, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.
- a. Reduce the amount of disturbed area where possible,
 - a. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Reclaimed (nonpotable) water should be used whenever possible.
 - b. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
 - c. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top load and top of trailer) in accordance with CVC Section 23114.
 - d. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
 - e. All dirt stock-pile areas should be sprayed daily as needed.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

12. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
13. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On-going conditions of approval (valid for the life of the project)

14. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
15. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.



SF

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

MAY 19 2005

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 5/18/05
FROM: PW

FROM
70

South Co. Team
(Please direct response to the above)

WRZENSKI

DRC2004-00246

Project Name and Number

Development Review Section (Phone: 788-2009)

*OR ASK THE SWITCH-
(BOARD FOR THE PLANNER)

PROJECT DESCRIPTION: mup -> 1180 sf secondary dwelling on
5 acres. Site located off Poppy Lane in Arroyo Grande.
APN: 091-011-071. Waive distance requirements for
secondary dwelling.

Return this letter with your comments attached no later than: 6/4/05

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?
✓ YES
NO

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?
✓ NO (Please go on to Part III)
YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

Recommend Approval - South County Road Fees will be due.
ordinance requirement for access Road to be chip seal or better.

14 JUNE 2005
Date

GRODWIN
Name

5252
Phone



SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

SEF

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 5/18/05
TO: Env. Health
FROM: South Co. Team
(Please direct response to the above)

WRZENSKI
DRC2004-00246
Project Name and Number

Development Review Section (Phone: 788-2009) ^{*OR ASK THE SWITCH-BOARD FOR THE PLANNING}

PROJECT DESCRIPTION: mup -> 1180 sf secondary dwelling on 5 acres. Site located off Poppy Lane in Arroyo Grande. APN: 091-011-071. Waive distance requirements for secondary dwelling.

Return this letter with your comments attached no later than: 6/4/05

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?
____ YES
____ NO

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?
____ NO (Please go on to Part III)
____ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III ^{Recommendation} INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

Apply standard stock conditions for community water and on-site septic system. Soil shall be evaluated for installation requirements on new system for secondary dwelling.

5/27/05
Date

H. Salas
Name

781-5337
Phone



7

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

RECEIVED

VICTOR HOLANDA, AICP
DIRECTOR

JUN 06 2005

THIS IS A NEW PROJECT REFERRAL

DATE: 5/18/05
TO: City of A.G.
FROM: South Co. Team
(Please direct response to the above)

CITY OF ARROYO GRANDE
COMMUNITY DEVELOPMENT

WRZENSKI

DRC2004-00246
Project Name and Number

Development Review Section (Phone: 788-2009)

*OR ASK THE SWITCH-
(BOARD FOR THE PLANNERS)

PROJECT DESCRIPTION: MUP -> 1180 sf secondary dwelling on
5 acres. Site located off Poppy Lane in Arroyo Grande.
APN: 091-011-071. Waive distance requirements for
secondary dwelling.

Return this letter with your comments attached no later than: 6/4/05

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?
X YES
NO

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?
X NO (Please go on to Part III)
YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

No comment (Outside AG's Planning Area)

June 7, 2005
Date

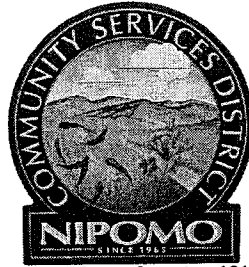
Rob Strong, Comm. Dev. Director
Name City of Arroyo Grande

4735420
Phone

NIPOMO COMMUNITY

BOARD MEMBERS

LARRY VIERHEILIG, PRESIDENT
ED EBY, VICE PRESIDENT
JUDITH WIRSING, DIRECTOR
CLIFFORD TROTTER, DIRECTOR
MICHAEL WINN, DIRECTOR



Celebrating 40 Years of Service 1965-2005

SERVICES DISTRICT

STAFF

MICHAEL LeBRUN, GENERAL MANAGER
LISA BOGNUDA, ASSISTANT ADMINISTRATOR
DAN MIGLIAZZO, UTILITY SUPERVISOR
JON SEITZ, GENERAL COUNSEL

148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326
(805) 929-1133 FAX (805) 929-1932 Website address: NipomoCSD.com

May 4, 2005

Daniel Wrzenski
150 Poppy Lane
Arroyo Grande, CA 93420

SUBJECT: INTENT-TO-SERVE WATER SERVICE
APN 091-011-062, 150 POPPY LANE, SUMMIT STATION
A SINGLE SECONDARY DWELLING UNIT

The owner of subject property paid capacity charges on July 1, 1997, for a second water service that is the subject of this Intent-to-Serve letter. Currently, the lateral for the second water service to the subject property is being used, with the owner's permission, to serve a neighboring property. The District understands the lateral will soon be abandoned by the neighboring property, at which time the District will be prepared to provide water service to a secondary dwelling unit at 150 Poppy Lane.

This Intent-to-Serve letter for water service for APN 091-011-062, a secondary unit at 150 Poppy Lane, Summit Station, is subject to the following conditions:

- Provide documentation of County approval of a secondary unit on this Summit Station parcel.
- Provide documentation showing the lateral connection for the second water service is available, or
- Provide an additional connection to the District water main per District standards and specifications. Completing an additional connection lateral is solely the applicant's choice and any associated costs are the responsibility of the applicant. A Plan Check and Inspection Agreement will be required if this option is exercised.
- Provide a Water Demand Certification indicating the proposed secondary dwelling, and landscape, will be designed to consume no more than 0.3 acre-feet of water annually.
- Comply with District water conservation program.

Notwithstanding to the above paragraph, notice is provided that Nipomo Community Services District has been made a party to that lawsuit entitled Santa Maria Valley Water Conservation District, et al. v. City of Santa Maria, et al., Santa Clara Superior Court Case No. CV 770214. The case involves competing claims to the right to produce water from and/or store water in the Santa Maria Valley Groundwater Basin, the water source from which Nipomo Community Services District derives the water, which it serves. The District is now unable to predict with any certainty the outcome of the above-referenced litigation. However, the litigation conceivably could result in a limitation on the availability of groundwater for the District's production and/or an increase in the cost of water, which the District serves to its water customers.

This is not a Will Serve letter

This Intent-to-Serve letter shall be subject to the current and future rules, regulations, fees, resolutions and ordinances of the Nipomo Community Services District. This Intent-to-Serve letter may be revoked as a result of conditions imposed upon the District by a Court or availability of resources, or by a change in ordinance, resolution, rules, fees or regulations adopted by the Board of Directors for the protection of the health, safety, and welfare of the District. The District reserves the right to revoke this "Intent-to-Serve" letter at any time.

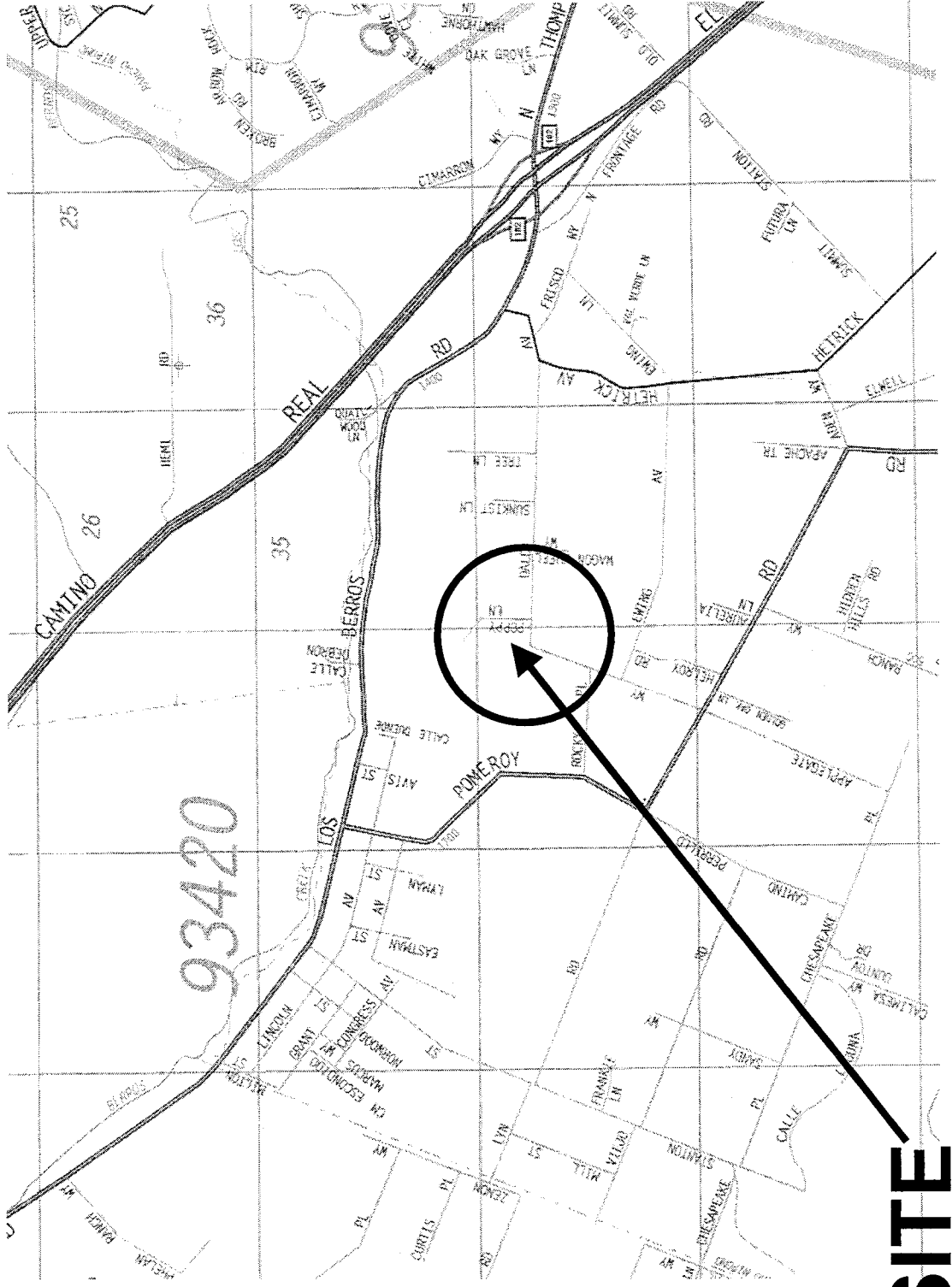
Please call with any questions.

Sincerely,

NIPOMO COMMUNITY SERVICES DISTRICT



Michael LeBrun
General Manager



SITE

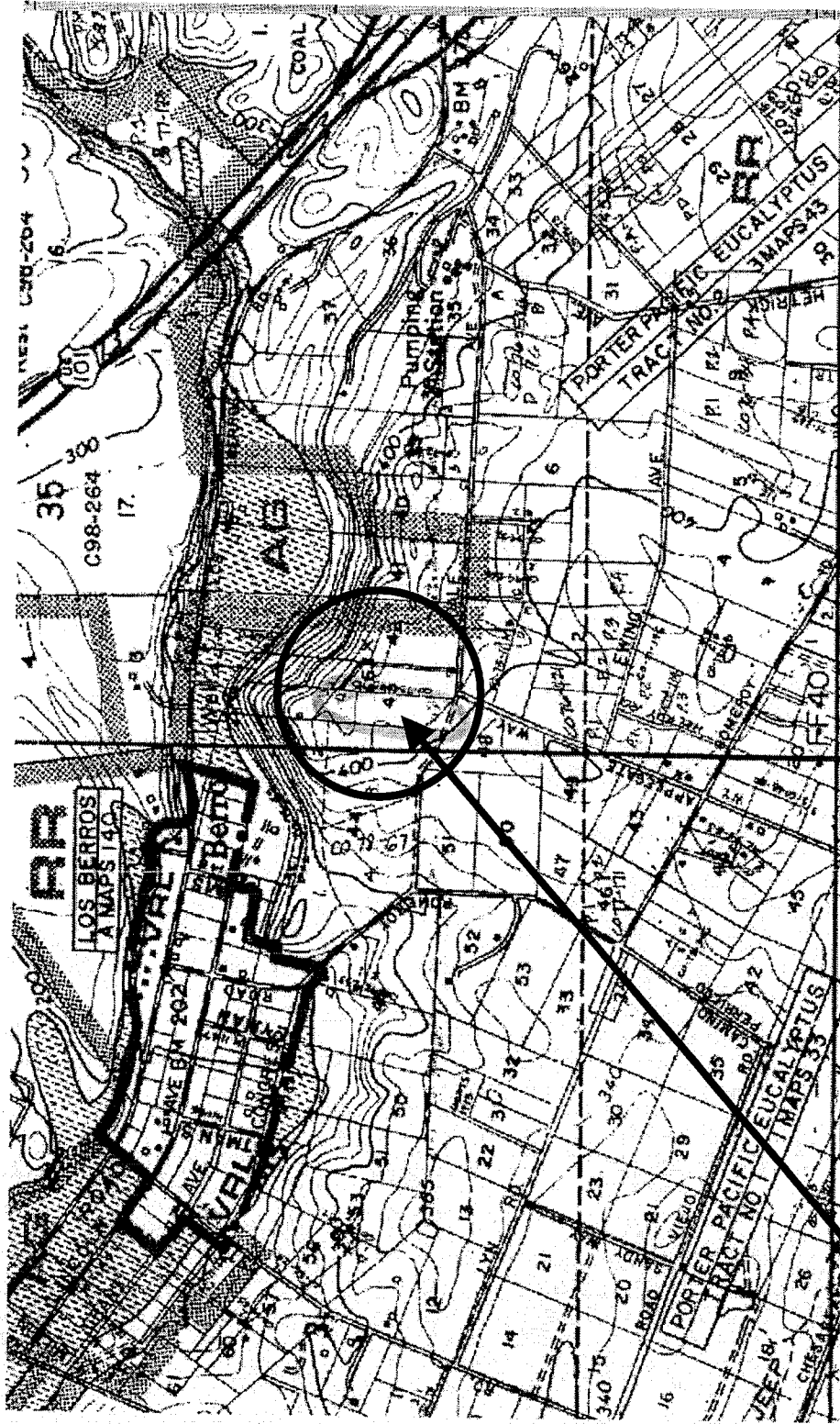
PROJECT

Minor Use Permit
Wrezenski DRC2004-00246

EXHIBIT

Vicinity Map





SITE

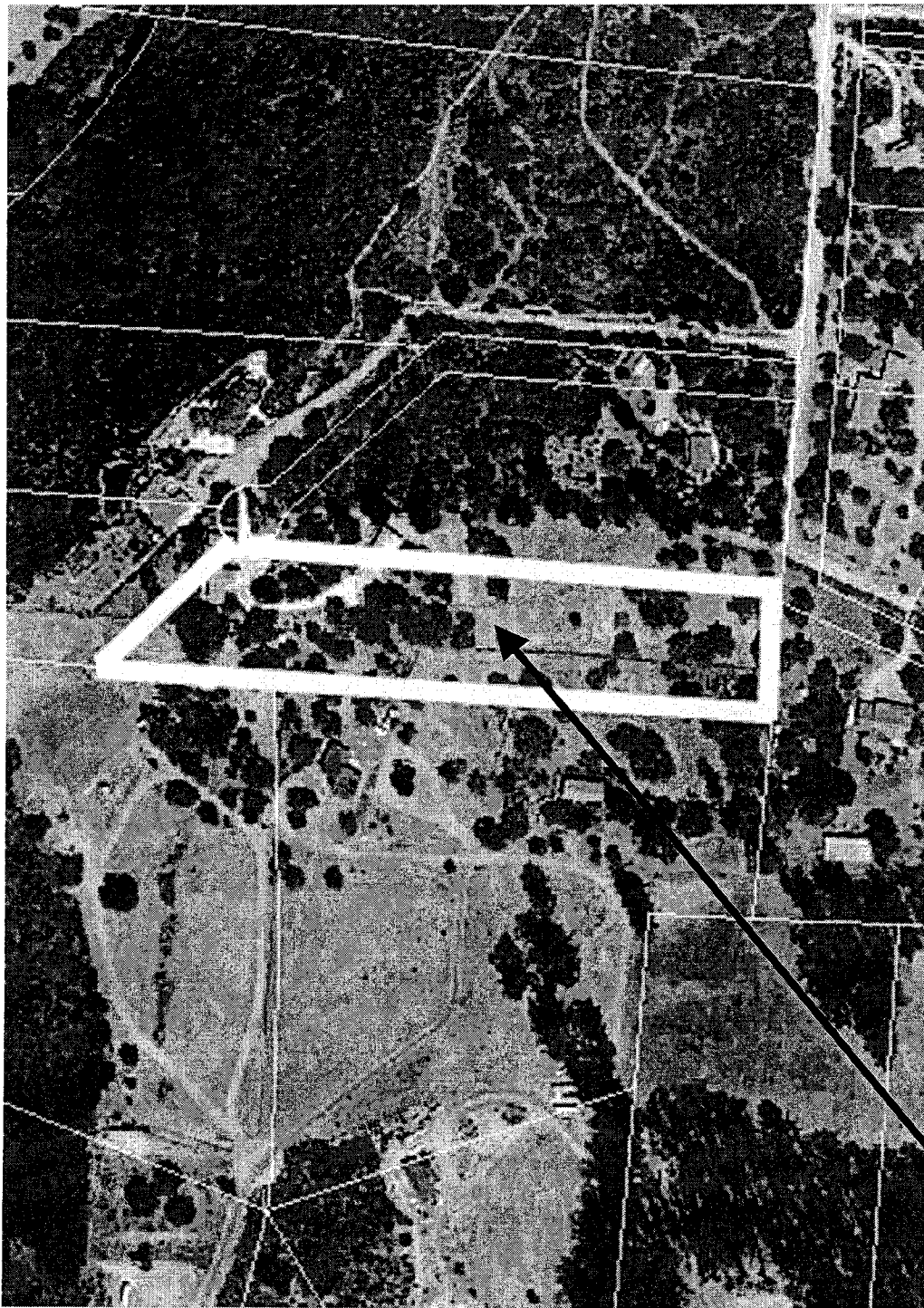
PROJECT

Minor Use Permit
Wrezenski DRC2004-00246

EXHIBIT

Land use Category





SITE

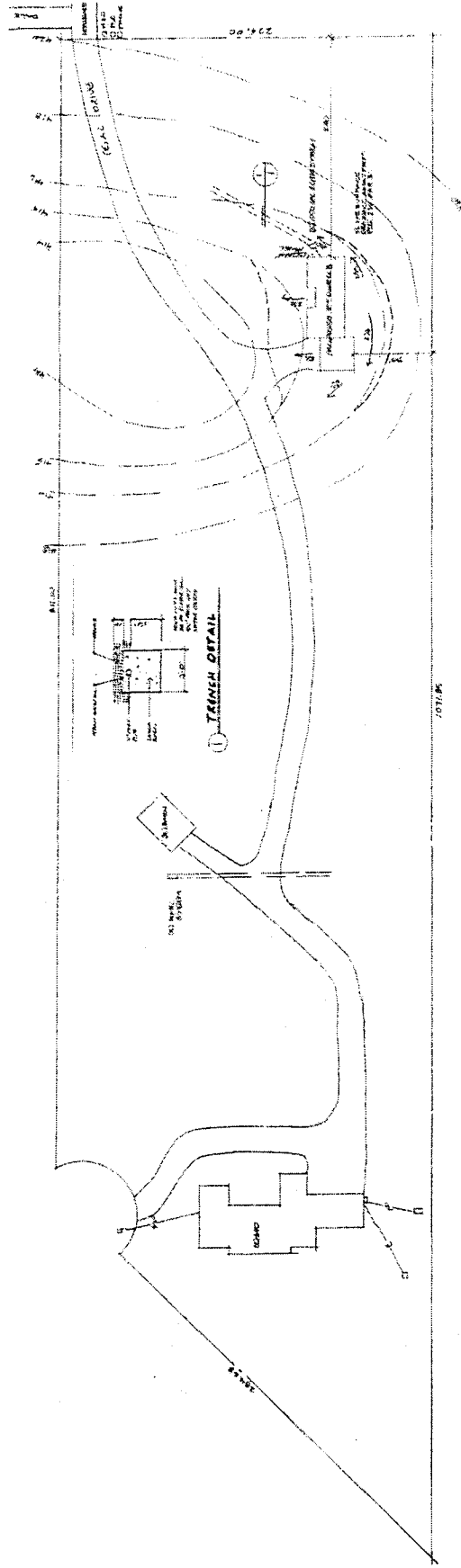
PROJECT

Minor Use Permit
Wrezenski DRC2004-00246

EXHIBIT

Aerial





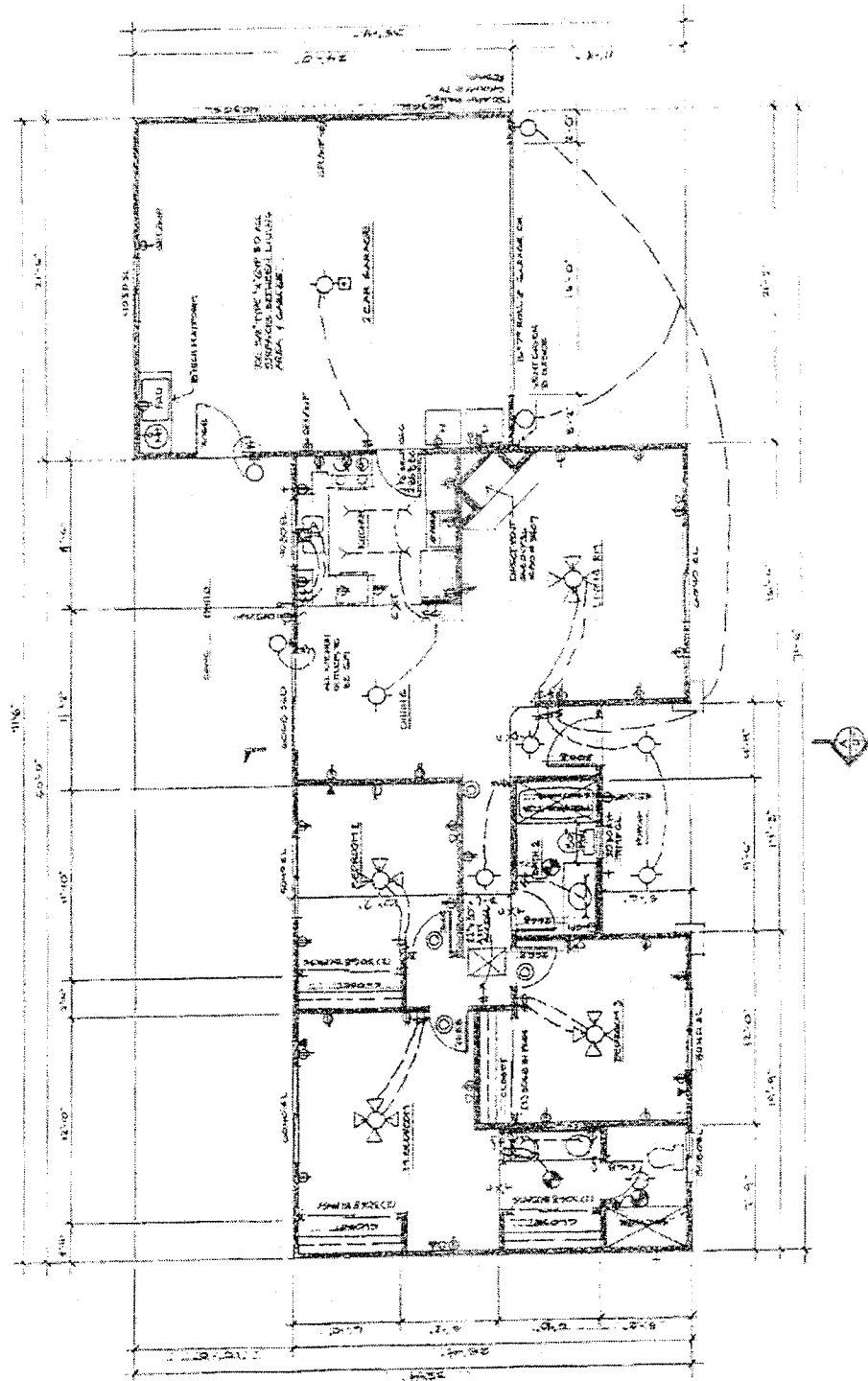
PROJECT

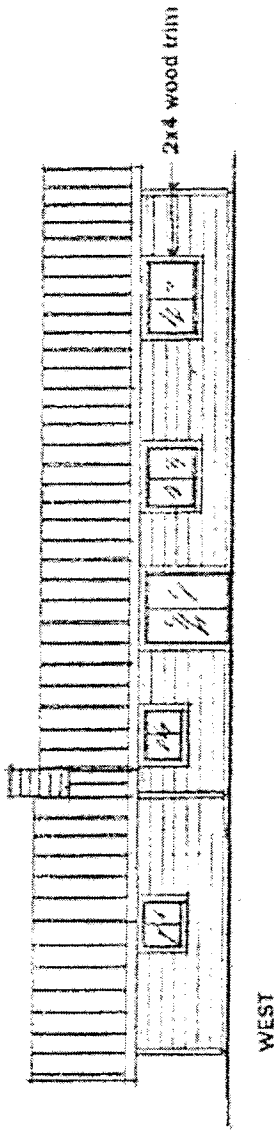
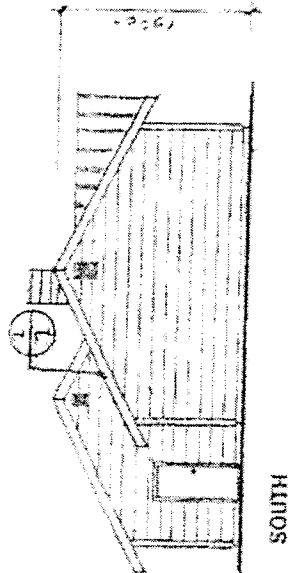
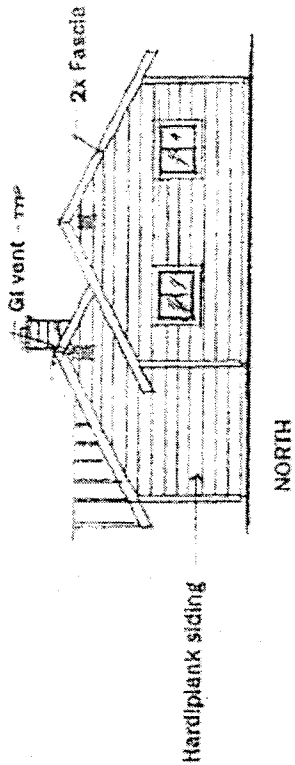
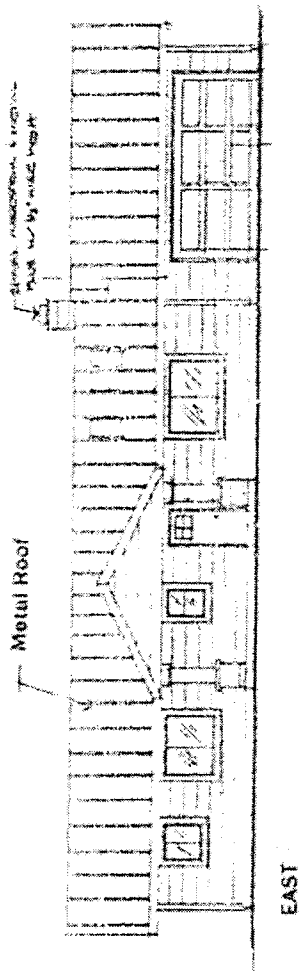
Minor Use Permit
Wrezenski DRC2004-00246

EXHIBIT

Site Plan







PROJECT

Minor Use Permit
Wrezenski DRC2004-00246



EXHIBIT

Elevation